

Office of the Secretary, DOT

§ 330.1

S.W., Washington, D.C. 20590, and on their front page state:

- (a) The title of the document;
- (b) The name of the affected community;
- (c) The name, address, and telephone number of a person who can be contacted for further information concerning the subject of the document; and
- (d) In the case of a responsive document, the docket number of the document to which it responds.

§ 325.12 Service of documents.

Any person, except one filing individually as a consumer, who files a document under this part, including responses to the questionnaire, shall serve that document upon those listed in § 325.4(a) of this part and upon the following:

- (a) The governor of the State in which the eligible point is located;
- (b) Each air carrier providing scheduled service to the affected eligible point;
- (c) In the case of a responsive document, the one who filed the document to which it responds; and
- (d) The U.S. Postal Service, Assistant General Counsel, Transportation Division, Law Department, Washington, D.C. 20260.

§ 325.13 Environmental evaluations and energy information not required.

Notwithstanding any provision of part 312 or part 313 of this chapter, a person filing a petition or appeal under this part is not required to file an environmental evaluation or energy information with the application.

§ 325.14 Conformity with subpart A of part 302.

Except where they are inconsistent, the provisions of subpart A of part 302 of this chapter shall apply to proceedings under this part.

PART 330—PROCEDURES FOR COMPENSATION OF AIR CARRIERS

Subpart A—General Provisions

Sec.

330.1 What is the purpose of this part?

- 330.3 What do the terms used in this part mean?
- 330.5 What funds will the Department distribute under this part?
- 330.7 [Reserved]
- 330.9 What are the limits on compensation to air carriers?
- 330.11 Which carriers are eligible to apply for compensation under this part?
- 330.13 If an air carrier received compensation under the Act previously, does it have to submit a third-round application?
- 330.15—330.17 [Reserved]

Subpart B—Application Procedures

- 330.21 [Reserved]
- 330.23 To what address must air carriers send their applications?
- 330.25 What are the components of an air carrier's application for compensation?
- 330.27 What information must certificated and commuter air carriers submit?
- 330.29 What information must air taxi operators submit on Form 330 (Final) and Form 330-C?
- 330.31 What data must air carriers submit concerning ASMs or RTMs?
- 330.33 Must carriers certify the truth and accuracy of data they submit?
- 330.35 What records must carriers retain?
- 330.37 Are carriers which participate in this program subject to audit?
- 330.39 What are examples of types of losses that the Department does not allow?

Subpart C—Set-Aside for Certain Carriers

- 330.41 What funds is the Department setting aside for eligible classes of air carriers?
- 330.43 What classes of air carriers are eligible under the set-aside?
- 330.45 What is the basis on which air carriers will be compensated under the set-aside?

APPENDIX A TO PART 330—FORMS FOR ALL CARRIERS

APPENDIX B TO PART 330 [RESERVED]

APPENDIX C TO PART 330—FORMS FOR AIR TAXI OPERATORS

AUTHORITY: Pub. L. 107-42, 115 Stat. 230 (49 U.S.C. 40101 note); sec. 124(d), Pub. L. 107-71, 115 Stat. 631 (49 U.S.C. 40101 note).

SOURCE: Docket No. OST-2001-10885, 67 FR 54066, Aug. 20, 2002, unless otherwise noted.

Subpart A—General Provisions

§ 330.1 What is the purpose of this part?

The purpose of this part is to establish procedures to implement section 101(a)(2) of the Air Transportation

§ 330.3

Safety and System Stabilization Act (“the Act”), Public Law 107-42, 115 Stat. 230 (49 U.S.C. 40101 note). This statutory provision is intended to compensate air carriers for direct losses incurred as a result of the Federal ground stop order issued by the Secretary of Transportation, and any subsequent orders, following the terrorist attacks of September 11, 2001, and incremental losses incurred from September 11 through December 31, 2001, as the result of those attacks.

§ 330.3 What do the terms used in this part mean?

The following terms apply to this part:

Air carrier means any U.S. air carrier, as defined in 49 U.S.C. 40102.

Air taxi operator means an air carrier, other than a commuter air carrier, that holds authority issued under 14 CFR part 298 and 14 CFR part 121 or part 135.

Available seat-miles (ASMs) means the aircraft miles flown on each flight stage by an air carrier multiplied by the number of seats available for revenue use on that stage.

Certificated air carrier means an air carrier holding a certificate issued under 49 U.S.C. 41102 or 41103.

Commuter air carrier means an air carrier as defined in 14 CFR 298.2(e) that holds a commuter air carrier authorization issued under 49 U.S.C. 41738.

Incremental loss means a loss incurred by an air carrier in the period of September 11, 2001–December 31, 2001, as a result of the terrorist attacks on the United States of September 11, 2001. It does not include any loss that would have been incurred if the terrorist attacks on the United States of September 11, 2001, had not occurred.

Regional air carrier means an air carrier that operates at least one large aircraft and has annual operating revenues of less than \$100 million.

Revenue ton-miles (RTMs) means the aircraft miles flown on each flight stage by the air carrier multiplied by the number of tons of revenue cargo transported on that stage. For purposes of this part, RTMs include only those resulting from all-cargo flights.

14 CFR Ch. II (1–1–06 Edition)

§ 330.5 What funds will the Department distribute under this part?

Under this part, the Department will distribute up to the full amount of the compensation it determines is payable to air carriers under section 103(b) of the Act, and up to the full amount of the set-aside provided for in subpart C of this part to air carriers eligible for it. The Department may require additional information to support payments to individual carriers in connection with this final payment.

§ 330.7 [Reserved]

§ 330.9 What are the limits on compensation to air carriers?

(a) You are eligible to receive compensation equaling the lesser of your direct and incremental losses or the amount calculated by the formula set forth in section 103(b)(2) of the Act.

(b) If at any time we determine that a carrier has been compensated in an amount that exceeds the amount to which it is entitled under section 103(b) of the Act or the subpart C set-aside program, the Department will notify the carrier of the basis for the determination, the amount that must be repaid, and the procedures to follow for making a repayment. We will follow collection procedures under the Federal Claims Collection Act of 1966 (31 U.S.C. 3701 et seq.) to the extent required by law, in recovering such overpayments. This process will also apply to collection of overpayments by the Department as a result of an audit by representatives of the Department, including the Office of the Inspector General, or the Comptroller General under section 103 of the Act, which may be the subject of a separate collection action.

§ 330.11 Which carriers are eligible to apply for compensation under this part?

(a) If you are a certificated air carrier, a commuter air carrier, an air taxi, or an indirect air carrier, you are eligible to apply for compensation under Subpart B of this part.

(b) [Reserved]